

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GAYLORD DUFF,)
)
Plaintiff,) 8:05CV140
)
vs.) ORDER
)
VALERY GRANHOL, et al.,)
)
Defendants.)

This matter is before the court on the defendants' Motion to Stay Proceedings and to Continue Planning Conference Pending Ruling on Defendants' Motion for Summary Judgment (Filing No. 69). The defendants Valery Graholt, Charles West and Robert Houston, in their individual capacities only seek a stay of proceedings, including the planning conference until after this court rules on the defendants' pending motion for summary judgment (Filing No. 66). The defendants' motion challenges the plaintiff's complaint on the basis of qualified immunity, for the individual defendants. Generally, "qualified immunity operates to protect governmental officials from both the burdens of trial and discovery." *Lovelace v. Delo*, 47 F.3d 286, (8th Cir. 1995) (**citing Harlow v. Fitzgerald**, 457 U.S. 800, 814, 817-18 (1982)). Counsel for the defendant represents that the plaintiff does not oppose the motion. The court finds the defendants have shown good cause for a stay until the merits of the dispositive motion is resolved. Upon consideration,

IT IS ORDERED:

1. The defendants' Motion to Stay Proceedings (Filing No. 69) is granted.
2. The planning conference scheduled for August 14, 2006, is cancelled. The parties shall have **ten (10) days** from the date an order is filed on the currently pending motion for summary judgment (Filing No. 66), in which to schedule a planning conference with the court. Counsel for the defendants shall contact the court and opposing counsel within such time period to schedule the planning conference.

DATED this 3rd day of August, 2006.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge